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EXAMINER	
GORTAYO, DANGELINO N	

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/601,444	BRUNDAGE ET AL.	
	Examiner	Art Unit	
	Dangelino N. Gortayo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/11/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-6, 8-23 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 8-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Manikutty et al. (US Patent 7,120,645 B2).

As per claim 1, Manikutty teaches ""A method for semantic representation of one or more XML language inquiries across relational and non-relational data sources" (see Abstract)

"receiving at least one inquiry" (Figure 3 reference 310, column 10 lines 25-33, column 16 lines 56-58, wherein a query is received);

"defining a plurality of nodes of a graph structure which represents the at least one inquiry, the graph structure having at least one node object for every operation within the at least one received inquiry" (Figure 5, column 1 lines 61-67, column 14 lines 55-66. column 16 lines 18-26, column 20 lines 63-67, column 21 lines 13-30, wherein a set of XML generation operations and rules to convert between XML operations to

canonical operations are established, wherein canonical operations are represented as nodes in a normalized tree of canonical functions);

"translating each of the at least one node objects using operators" (column 16 line 59 – column 17 line 8, column 18 lines 37-43, lines 57-65, column 19 lines 57-62, column 20 lines 26-42, wherein a query is translated based on certain conditions and generation rules);

"generating a semantic representation having the graph structure wherein the semantic representation explicitly describes a meaning of the one or more XML language inquiries" (Figure 5, column 20 line 63 – column 21 line 44, column 22 lines 47-67, wherein queries are translated to a normalized tree of canonical functions, wherein the nodes of a tree represent operations, and the tree describing the query) "and wherein the semantic representation decouples front-end language compilers from back-end query engines that use the semantic representation" (column 21 line 48 – column 22 line 47, wherein a second, more simplified tree from the first normalized tree decouples SQL operations and XML operations).

As per claim 2, Manikutty teaches "the semantic representation is an intermediate language representation formed for interpretation and execution by a target query engine" (column 10 lines 53-60)

As per claim 3, Manikutty teaches "wherein the non-relational data sources comprise one or more of a text document, a spreadsheet, and a non-relational database" (column 8 lines 58-66)

As per claim 4, Manikutty teaches "the generating step further comprises breaking down high level operations of the received inquiry into explicit parts" (column 14 lines 45-54).

As per claim 5, Manikutty teaches "the explicit parts are common across multiple XML languages" (column 5 lines 52-62, column 6 lines 10-23).

As per claim 6, Manikutty teaches "the operators comprise one or more of special operators, data sources, literals, Boolean operators, sequence operators, arithmetic operators, string operators, value comparison operators, node comparison operators, tuple spaces, function definition and invocation, XML navigation, XML construction, XML property accessors, type operators, language specific operators, and data manipulation operators" (Table 12, column 15 lines 21-25, column 26 line 64 – column 31 line 62).

As per claim 8, Manikutty teaches "at least one received inquiry comprises one or more of an XML query language and an XML view definition language" (column 10 lines 25-33, column 16 lines 56-58).

As per claim 9, Manikutty teaches "the at least one received inquiry comprises one or more of an XPath, an XSLT, an XQuery, a DML, an OPath, and an Annotated Schema inquiry." (column 5 line 63 – column 6 line 9, column 6 lines 23-36).

As per claim 10, Manikutty teaches "the semantic language representation allows XML queries over XML views of relational data" (column 5 lines 36-50, column 17 lines 18-25).

As per claim 11, Manikutty teaches "semantics interpreter for expressing a meaning of one or more of an XML query and an XML view across multiple data source" (see Abstract);

"an input for receiving the one or more of an XML query and an XML view which form an inquiry" (Figure 3 reference 310, column 10 lines 25-33, column 16 lines 56-58, wherein a query is received);

"a graph structure generator for defining node objects for every operation within the inquiry" (Figure 5, column 1 lines 61-67, column 14 lines 55-66. column 16 lines 18-26, column 20 lines 63-67, column 21 lines 13-30, wherein a set of XML generation operations and rules to convert between XML operations to canonical operations are established, wherein canonical operations are represented as nodes in a normalized tree of canonical functions);

"a translator for assigning operators for each node object wherein the operators break down operations of the inquiry into explicit parts" (column 16 line 59 – column 17 line 8, column 18 lines 37-43, lines 57-65, column 19 lines 57-62, column 20 lines 26-42, wherein a query is translated based on certain conditions and generation rules);

"output for providing the explicit parts as an intermediate language representation for expressing the meaning of the one or more of an XML query and an XML view" (Figure 5, column 20 line 63 – column 21 line 44, column 22 lines 47-67, column 21 line 48 – column 22 line 47, wherein queries are translated to a normalized tree of canonical functions, wherein the nodes of a tree represent operations, and the tree describing the query) "wherein the semantic representation decouples front-end language compilers

from back-end query engines that use the semantic representation" (column 21 line 48 – column 22 line 47, wherein a second, more simplified tree from the first normalized tree decouples SQL operations and XML operations).

As per claim 12, Manikutty teaches "the multiple data sources comprise relational and non-relational data sources" (column 5 lines 26-35, column 8 lines 58-66)

As per claim 13, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 14, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 6 and is similarly rejected.

As per claim 15, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claim 16, Manikutty teaches "the intermediate language representation is formed for interpretation and execution by a target query engine" (column 10 lines 53-60)

As per claim 17, Manikutty teaches "A computer-readable medium having computer-executable instructions for performing a method of intermediate language representation of a received inquiry" (see Abstract);

"receiving one or more of an XML query and an XML view forming the received inquiry" (Figure 3 reference 310, column 10 lines 25-33, column 16 lines 56-58, wherein a query is received);

"defining node objects for every operation within the received inquiry" (column 1 lines 61-67, column 14 lines 55-66. column 16 lines 18-26, column 20 lines 63-67, wherein a set of XML generation operations and rules to convert between XML operations to canonical operations are established, wherein canonical operations are represented as nodes in a normalized tree of canonical functions);

"translating each node using operators which break down operations of the received inquiry into explicit parts" (column 16 line 59 – column 17 line 8, column 18 lines 37-43, lines 57-65, column 19 lines 57-62, column 20 lines 26-42, wherein a query is translated based on certain conditions and generation rules);

"generating instructions corresponding to the explicit parts forming an intermediate language representation for subsequent queries over one or more of relational and non-relational data sources wherein the intermediate language representation comprises an explicit description of a meaning on the received inquiry" (Figure 5, column 20 line 63 – column 21 line 44, column 22 lines 47-67, wherein queries are translated to a normalized tree of canonical functions, wherein the nodes of a tree represent operations, and the tree describing the query) "wherein the semantic representation decouples front-end language compilers from back-end query engines that use the semantic representation" (column 21 line 48 – column 22 line 47, wherein a second, more simplified tree from the first normalized tree decouples SQL operations and XML operations).

As per claim 18, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 6 and is similarly rejected.

As per claim 19, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claim 20, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

As per claim 21, Manikutty teaches "A computer system for generating a semantic representation of an inquiry" (see Abstract)

"a processor for executing computer instructions and at least one module" (Figure 6 reference 604 and column 25 lines 27-42)

"an input function for receiving one or more of an XML query and an XML view which forms the inquiry" (Figure 3 reference 310, column 10 lines 25-33, column 16 lines 56-58, wherein a query is received);

"a graph structure generator for defining node objects for every operation within the inquiry" (Figure 5, column 1 lines 61-67, column 14 lines 55-66. column 16 lines 18-26, column 20 lines 63-67, column 21 lines 13-30, wherein a set of XML generation operations and rules to convert between XML operations to canonical operations are established, wherein canonical operations are represented as nodes in a normalized tree of canonical functions);

"a translator function for assigning operators for each node object wherein the operators break down operations of the inquiry into explicit parts" (column 16 line 59 – column 17 line 8, column 18 lines 37-43, lines 57-65, column 19 lines 57-62, column 20

lines 26-42, wherein a query is translated based on certain conditions and generation rules);

"an output for providing the explicit parts as an intermediate language representation for expressing a meaning of the XML query and the XML view" (Figure 5, column 20 line 63 – column 21 line 44, column 22 lines 47-67, wherein queries are translated to a normalized tree of canonical functions, wherein the nodes of a tree represent operations, and the tree describing the query) "wherein the semantic representation decouples front-end language compilers from back-end query engines that use the semantic representation" (column 21 line 48 – column 22 line 47, wherein a second, more simplified tree from the first normalized tree decouples SQL operations and XML operations).

"wherein the at least one module comprises one or more of one or more software modules and one or more hardware modules" (column 25 lines 1-42)

As per claim 22, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 6 and is similarly rejected.

As per claim 23, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

Response to Arguments

4. Applicant's arguments, see page 7, filed 5/9/2007, with respect to the rejection of claims 1-6, 8-23 under 35 USC 102(e) have been fully considered but they are not persuasive. Details are stated below.

a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's argument is stated as Manikutty fails to teach the use of a graph structure containing nodes to represent inquires, relying rather on a tree structure to map in canonical XML generation functions.

In regards to the argument, Examiner respectfully disagrees. As disclosed by Manikutty in Figure 5 and in column 21 lines 13-30, a model is shown wherein nodes representing functions and XML operations are used to represent queries to a system. As is understood in the art, a graph structure is a data structure consisting of a set of nodes and a set of edges that establish relationships between the nodes. Figure 5 shows nodes representing XML operations and the relationships between the nodes. A tree can be viewed as a representation of hierarchal data sets, and is a special form of a graph structure. As the specification only defines a graph structure as being different to a tree structure in that a graph structure captures semantics, or meaning of a query, as per

paragraph 0054 of the instant application, the prior art of Manikutty represents the nodes to be specific XML operations, and therefore discloses the meaning of a query by breaking down a query into more primitive operations (column 5 lines 36-51, column 22 lines 31-46). Nowhere in the claims or the specification of the instant application is it made clear how graph structure differs form a tree structure other than what the representation is for, and the disclosed sections of Manikutty teaches a tree structure wherein nodes are representative of XML operations meant to represent a query passed into the system. Therefore, Manikutty teaches a graph structure, albeit a specific graph structure represented in a tree structure, meant to represent inquiries.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE

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